

EXHIBIT 1

Filed Under Seal

From: Benjamin Luehrs
To: [Jared Bunker](#); [Apple Masimo Service](#)
Cc: [Knobbe.MasimoDE](#); [Palapura, Bindu A.](#); [Jack Phillips](#); [Greenfield, Leon](#); [Milici, Jennifer](#); [Kerri-Ann Limbeek](#); [Megan C. Haney](#); [Vote, Dominic](#); [Ford, Mark](#); [Jordan Malz](#); [Peter Magic](#); [Megan C. Haney](#); [Moore, David E.](#)
Subject: RE: Apple v. Masimo (C.A. Nos. 1377/1378) - Samples
Date: Wednesday, June 21, 2023 1:49:52 PM

Jared,

Thank you for your email. In view of Masimo's assertion that it does not have physical samples of its allegedly redesigned W1, Freedom, or Freedom band available to exchange, Apple does not agree to an exchange of physical samples. The parties can respectively purchase physical samples and agree as to authentication of those samples following an inspection. However, for Masimo's products that are not currently available for purchase, Masimo must offer samples of those products for inspection as soon as possible. Please confirm that Masimo will do so and identify dates when an inspection can occur. Please also promptly provide an update as to Masimo's investigation into the watch that Mr. Kiani wore at the CDCA trial.

Sincerely,
Ben

From: Jared Bunker <Jared.Bunker@knobbe.com>
Sent: Wednesday, June 21, 2023 2:29 PM
To: Benjamin Luehrs <BLuehrs@desmaraisllp.com>; Apple Masimo Service <AppleMasimoService@desmaraisllp.com>
Cc: Knobbe.MasimoDE <Knobbe.MasimoDE@knobbe.com>; Palapura, Bindu A. <bpalapura@potteranderson.com>; Jack Phillips <JCP@PMHDELaw.com>; Greenfield, Leon <Leon.Greenfield@wilmerhale.com>; Milici, Jennifer <Jennifer.Milici@wilmerhale.com>; Kerri-Ann Limbeek <KLimbeek@desmaraisllp.com>; Megan C. Haney <mch@PMHDELaw.com>; Vote, Dominic <Dominic.Vote@wilmerhale.com>; Ford, Mark <Mark.Ford@wilmerhale.com>; Jordan Malz <JMalz@desmaraisllp.com>; Peter Magic <PMagic@desmaraisllp.com>; Megan C. Haney <mch@PMHDELaw.com>; Moore, David E. <dmoore@potteranderson.com>
Subject: [Ext] Apple v. Masimo (C.A. Nos. 1377/1378) - Samples

****EXTERNAL EMAIL** This email originated from outside the company. Do not click on any link unless you recognize the sender and have confidence the content is safe.**

Counsel,

We have three samples of the Masimo W1 ready to produce -- please tell us where you'd like us to ship them.

Also, for the Apple Watch samples, please ship them to my attention at the below address.

When can we expect to receive the Apple Watch samples?

Sincerely,
Jared

Jared Bunker

Partner
Jared.Bunker@knobbe.com
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